

House File 560

HOUSE FILE _____
BY COMMITTEE ON HUMAN RESOURCES
(SUCCESSOR TO HF 383)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to medical assistance home and community-based
2 services waivers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2888HV 80
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1 1 Section 1. Section 249A.12, Code 2003, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 6. a. Effective July 1, 2003, the
1 4 provisions of the home and community-based services waiver for
1 5 persons with mental retardation shall include adult day care,
1 6 prevocational, and transportation services. Transportation
1 7 shall be included as a separately payable service.
1 8 b. The department of human services shall seek federal
1 9 approval to amend the home and community-based services waiver
1 10 for persons with mental retardation to include day
1 11 habilitation services. Inclusion of day habilitation services
1 12 in the waiver shall take effect upon receipt of federal
1 13 approval and no later than July 1, 2004.
1 14 c. The person's county of legal settlement shall pay for
1 15 the nonfederal share of the cost of services provided under
1 16 the waiver and the state shall pay for the nonfederal share of
1 17 such costs if the person does not have a county of legal
1 18 settlement.
1 19 Sec. 2. NEW SECTION. 249A.32 MEDICAL ASSISTANCE HOME AND
1 20 COMMUNITY-BASED SERVICES WAIVERS == CONSUMER DIRECTED
1 21 ATTENDANT CARE == TERMINATION OF CONTRACT.
1 22 1. A case manager for a medical assistance home and
1 23 community-based services waiver may terminate the contract of
1 24 a person providing consumer directed attendant care services
1 25 to whom payment is being made for provision of such services
1 26 under the waiver if the case manager determines that the
1 27 person has breached the contract by not providing the services
1 28 agreed to under the contract.
1 29 2. For the purposes of this section, "consumer" and
1 30 "waiver" mean consumer and waiver as defined in section
1 31 249A.29.
1 32 Sec. 3. REIMBURSEMENT == REVIEW == RATE LIMITATIONS.
1 33 1. The department of human services shall review the
1 34 reimbursement methodology for the home and community-based
1 35 services waiver for persons with mental retardation under the
2 1 medical assistance program in relationship to the goals and
2 2 objectives of the mental health and developmental disability
2 3 services system redesign being conducted by the mental health
2 4 and developmental disabilities commission. The department
2 5 shall submit a report of the findings of the review and
2 6 recommendations to the general assembly by July 1, 2004.
2 7 2. For the fiscal year beginning July 1, 2003, the
2 8 department of human services in cooperation with the Iowa
2 9 state association of counties and the Iowa association of
2 10 community providers shall establish payment rate limitations
2 11 for the services provided under the home and community-based
2 12 services waiver for persons with mental retardation that are
2 13 consistent with the limitations used for the same or similar
2 14 services that are funded one hundred percent by the counties.
2 15 Sec. 4. EMERGENCY RULES. The department of human services
2 16 shall adopt administrative rules under section 17A.4,
2 17 subsection 2, and section 17A.5, subsection 2, paragraph "b",
2 18 to implement the provisions of this Act and the rules shall
2 19 become effective immediately upon filing or on a later
2 20 effective date specified in the rules, unless the effective
2 21 date is delayed by the administrative rules review committee.
2 22 Any rules adopted in accordance with this section shall not

2 23 take effect before the rules are reviewed by the
2 24 administrative rules review committee. The delay authority
2 25 provided to the administrative rules review committee under
2 26 section 17A.4, subsection 5, and section 17A.8, subsection 9,
2 27 shall be applicable to a delay imposed under this section,
2 28 notwithstanding a provision in those sections making them
2 29 inapplicable to section 17A.5, subsection 2, paragraph "b".
2 30 Any rules adopted in accordance with the provisions of this
2 31 section shall also be published as notice of intended action
2 32 as provided in section 17A.4.
2 33 HF 560
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